

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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## 2015 MASSACHUSETTS FARMERS' MARKET NUTRITION PROGRAM

### GUIDELINES FOR FARMERS AND FARMERS' MARKETS

Please review these Farmers' Market Nutrition Program ("Program") Guidelines carefully before completing either or both of the Program agreements. Call MDAR, if you have questions about any procedures or guidelines.

**NOTE: Certified farmers shall be responsible for ensuring that their representatives, employees, agents and/or volunteers selling at approved farmers' markets know about, understand, and agree to follow these guidelines.**

**NOTE: These guidelines are also available in Spanish. Contact Rebecca Davidson at 617-626-1744 or [rebecca.davidson@state.ma.us](mailto:rebecca.davidson@state.ma.us) to request a copy of these guidelines in Spanish.**

#### I. PROGRAM CONTACTS

**MDAR** - Massachusetts Department of Agricultural Resources (MDAR) coordinates the program, including authorization of farmers' markets and certification of participating farmers.

**Rebecca Davidson** – Program Coordinator, MDAR; phone: 617-626-1744; email: [rebecca.davidson@state.ma.us](mailto:rebecca.davidson@state.ma.us)

**Mass Farmers' Markets (MFM)** - as contracted by MDAR, reimburses farmers for their coupons. Request for payment forms and bundle wrappers are available from Mass Farmers Markets, 240 Beaver Street, Waltham, MA 02452.

**Jeff Cole** –Mass Farmers' Markets Executive Director; phone: 781-893-8222; fax: 781-893-8777; email: [jeff@massfarmersmarkets.org](mailto:jeff@massfarmersmarkets.org)

#### II. CERTIFICATION

- A. All farmers' markets and farmers must be certified by MDAR to participate in the Program. Please be advised that only farmers and farmers' markets are eligible to be certified (see Sections III and IV below for the definition of a farm and farmers' market).
- B. Certified market managers and certified farmers who participated in the Program last year **do not need in-person training** again to receive certification, but must **mail in the attached forms to MDAR in order to participate in the Program for the upcoming year. The deadline for re-certification is May 15, 2015.** Farmers or farmers' markets who miss the deadline must submit a written appeal to MDAR requesting certification, along with a satisfactory explanation for missing the deadline. **Certification numbers will be mailed once the signed agreement is received and approved by MDAR, and if applicable, an acceptable acreage report is received by MDAR. Request for payment forms and coupon bundle wrappers will be mailed to certified farmers by Mass Farmers' Markets (MFM).**

- C. **Farmers may accept coupons only at markets authorized to participate in the Program.** If unsure, check with the market manager, MDAR, or MFM. A list of authorized farmers' markets with identification numbers is attached to these Guidelines.
- D. **Acreage Report:** Farmers who last year received, for the farm, more than **\$1,000 worth of coupons must file an acreage report with the MDAR Farmers' Market Nutrition Program.** The acreage report should be returned with the signed program agreement. Farmers shall notify MDAR of any changes to the crop plan during the market season. **Farmers will not be issued a certification number, be considered authorized for the program, or receive reimbursement for coupons until both a satisfactory acreage report and signed program agreement are returned and approved by MDAR.**
- E. **Farm visits:** **ALL** certified farmers must agree to allow on-farm inspections by MDAR to verify product sources and acreage under production. If farmers sell products obtained cooperatively from other farms, inspectors must also be allowed to visit those farms. Farmers must provide assistance to allow inspectors to document crops and conditions at the time of visit.

### **III. FARM PRODUCT REQUIREMENTS:**

#### **DEFINITIONS:**

**Coupons** - Refers to both WIC Farmers' Market Nutrition Program (WIC FMNP) and Senior Farmers' Market Nutrition Program (Senior FMNP) Coupons, both administered by MDAR.

**Locally Grown** - Grown within the Commonwealth of Massachusetts, or if permitted by the certified Massachusetts farmers' market, produce grown in states that border Massachusetts (these are limited to New York, Vermont, New Hampshire, Rhode Island and Connecticut). Under no exceptions shall produce grown elsewhere be considered to be locally grown. **Only locally grown produce sold by authorized farmers is eligible for the Program.**

**Farmer** - Any individual, family or other specified group which operates an agricultural operation and assumes financial risk for the production of crops and other agricultural products.

**Supply Farmer** A farmer who supplies a farmers' market with a product, grown and produced by himself/herself. The product is sold at the market by a **farmer** to the final customer.

- A. Farmers' Market coupon redemptions are limited to the following:
  - 1. **Items produced by a farmer on his/her farm.** This may include land under lease or license, provided that the farmer who leased or licensed the land carries out the production (e.g.; all pruning, spraying, fertilization, and harvesting of fruits or vegetables is undertaken by members of the seller's household or persons paid by the seller.) Farmers may be required to show proof of lease or license arrangements to participate in the Program.
  - 2. **Cooperative or consignment sales, ONLY IF PERMITTED BY THE MARKET RULES.** In this case, a certified farmer may sell products for a supply farmer\* as well as his/her own products.

Vendors must be a farmer (as defined in Section III) to participate in the program. Vendors who exclusively sell produce grown by others are not eligible.

### **IV. FARMERS' MARKET REQUIREMENTS FOR PROGRAM ELIGIBILITY**

- A. Only farmers' markets approved and certified by MDAR are eligible to participate in the program.
- B. Farmers' markets must have a set of operating guidelines which address vendor eligibility and produce source. At a minimum, the rules must meet the minimum criteria listed in DAR's policy on farmers' markets found at <http://www.mass.gov/eea/docs/agr/markets/farmersmarkets/farmers-markets-policy-final.pdf>.

- C. Market managers agree to notify uncertified growers at their market of their eligibility to participate in the program and refer them to MDAR in order to become certified.
- D. **Farmers' markets should have, at a minimum, two (2) certified vendors in order to participate in the program.** Existing farmers' markets that fall below two (2) vendors must make a good faith effort to recruit additional vendors in order to continue to be authorized.
- E. Market managers must sign an agreement in order to participate in the Program.

#### **V. DISPLAY OF PRICES AND QUALITY:**

- A. Farmers **must post prices for all items** on sale at all times. Prices must be prominently displayed on signs that are easily seen and read by customers.
- B. Products offered for sale, which are not of the highest quality, must be posted as such (e.g. "seconds").
- C. Farmers must **post a sign (to be supplied by the MDAR) stating that farmers' market coupons are accepted.**

#### **VI. DESCRIPTION OF COUPONS:**

- A. There are two (2) types of coupons (as defined in Section III above) under this certification process:

**Maroon** - WIC program - **\$2.50** face value

**Purple** - Elders program - **\$2.50** face value

- B. **All coupons shall be good through October 31, 2015.** Farmers shall accept coupons only within the dates of their validity and submit coupons for payment within the dates of their validity. Farmers shall not be reimbursed for coupons accepted after that date.
- C. **Additionally, funding is available to support a program for Homebound Elders:**

**Homebound Program:** Those Elder Nutrition Programs which have requested funds can work with certified farmers' markets or certified farmers directly to purchase produce in bulk quantities. Elder agencies shall then deliver the produce to homebound elders who do not receive farmers' market coupons. In some cases, "Brown Bag" clients will also be served through this program. Agencies shall be provided funding and shall pay growers directly for produce purchased. The agency and farmer shall fill out a form, provided by MDAR, at the time of transaction. The form shall serve as a receipt and record of the purchase. The Elder Program shall keep the original, and a copy shall be provided to the both the grower and to MDAR.

#### **VII. ELIGIBLE FOODS:**

- A. **MAROON WIC FMNP Coupons:** Good **ONLY for fresh, locally grown, and unprocessed fruits, vegetables, and fresh, cut herbs.** Produce may be cleaned, trimmed and packaged, but not otherwise processed, heated, or cooked.
- B. **PURPLE Elder Coupons & Senior Homebound Program:** Good for the same items as Maroon (WIC) coupons, as well as honey.

**Ineligible Items:** Coupons **cannot** be redeemed for plants, flowers, or other non-food items or items not produced on local farms. **In addition, coupons cannot be redeemed for any other edible farm product, such as eggs, maple products, turkey products, cheese, and farm produced baked goods.**

<b>COUPON (Color)</b>	<b>WIC (Maroon)</b>	<b>ELDER (PURPLE)</b>
<b>ELIGIBLE PRODUCTS</b>	Only good for fresh, locally produced and unprocessed fruits, vegetables, and fresh cut herbs.	Only good for fresh, locally produced and unprocessed fruits, vegetables, fresh cut herbs, and honey.
<b>VALUE</b>	\$2.50	\$2.50

#### **VIII. REDEEMING COUPONS FROM CUSTOMERS:**

- A. Coupons may only be redeemed, by or for, the person who receives them. A family member or other person may redeem them only on behalf of the original recipient.
- B. Recipients cannot exchange coupons for cash or give them away. If unsure, farmers may ask recipients where they obtained their coupons. WIC families receive \$20.00 (or more) in coupons; elders receive \$25.00 of coupons per person.
- C. **Never give change for coupon purchases, or exchange cash for coupons.**
- D. Don't accept coupons that are damaged, canceled, marked "VOID", or appear to be reproduced or tampered with.
- E. If you suspect any type of abuse, please do not accept the coupons, and inform MDAR as quickly as possible. **Contact Rebecca Davidson at 617-626-1744.**
- F. Coupon customers should pay the same price for items as customers paying with cash. Any overpricing for coupon purchases is forbidden.
- G. All customers should receive courteous service. Remember, federal laws prohibit discrimination against customers on the grounds of race, color, national origin, age, sex, or handicap.
- H. **Do not accept coupons after October 31, 2015**, or those from prior years, because you shall not be reimbursed.

#### **IX. HOW TO CANCEL AND BUNDLE COUPONS: PLEASE FOLLOW CAREFULLY**

A. **To cancel coupons:**

1. Cancel coupons the day you receive them.
2. Sort coupons by color, face up, and in the same direction.
3. Use the stamper provided by MDAR and stamp your Farmer Certification Number on the face of each coupon in the designated area only.

B. **To bundle coupons:**

**NOTE:** Use only CURRENT year (2015) Request-for-Payment (RFP) form (provided by MFM).

**Bundle wrappers and RFP forms are available from the MFM and will be mailed to you. If you run out and need more, call the MFM at 781-893-8222.**

**NOTE:** Please remove all staples from WIC or Senior coupons.

Each market has a 2 or 3 digit "**Program Identification Number**" or PIN. (See last page for PIN numbers)

1. Check to make sure all coupons are stamped with the Farmer Certification Number.
2. Bundle coupons using the special wrappers given by MFM.

3. **Make separate bundles by color and by market PIN.**
4. The maximum number of coupons allowed per bundle wrapper is **100**.

C. Mark wrappers, as follows:

1. PRINT name of farm or farmer
2. Farmer Certification Number
3. Market PIN number
4. Number of coupons
5. Value of coupons

**X. HOW TO GET REIMBURSED:**

**Please mail coupons regularly for reimbursements, as this is vital to the program's operations.**

- A. **Send coupons at least every two (2) weeks for reimbursement.**
- B. Fill in the **Request-For-Payment (RFP)** form. Be sure all information is complete on all four (4) copies. Retain the **last** (gold) copy for your files. **Use one (1) RFP per market location (Do not separate coupons by date-- use one RFP for all dates at one location.)**
- C. Seal all bundles and the first three (3) RFP forms (white, yellow, & pink) in an envelope or package of proper size.
- D. **Mass Farmers Markets must receive all coupons by no later than November 15, 2015. A farmer shall not be reimbursed for coupons received after that date.**
- E. **Mail coupons to:**  
**Mass Farmers Markets**  
**Eastern MA Cooperative Extension Center**  
**240 Beaver Street**  
**Waltham, MA 02452**
- F. To protect Program coupons, use UPS or U.S. Certified Mail, with a Return Receipt Request form. Remember, **farmers are responsible for coupons until received by MFM.**

**XI. RECEIVING PAYMENT FOR COUPONS:**

**MFM may return coupons not properly bundled or canceled, and may delay payments.**

- A. After receiving coupons, MFM shall count the coupons, and report to farmers any differences with amounts listed by farmers on the RFPs.
- B. Any differences contested by farmers shall be handled on case-by-case basis by MFM. However, MDAR shall make the final decisions in unresolved cases.
- C. MFM shall mail checks to the name and address on the Certification Agreement within two (2) weeks of receiving coupons.

**XII. ENFORCEMENT OF COUPON PROGRAM GUIDELINES:**

**A. MONITORING**

1. MDAR shall conduct regular monitoring and enforcement activities to ensure compliance with these Guidelines. These activities shall include:
  - a. regular market visits to assure that prices and coupons accepted signs are posted;

- b. compliance buys to check for proper redemption procedures;
- c. farm inspections to check production sources by farmers.

## **B. PENALTIES**

1. **Farmers shall receive a written warning for any one (1) of the following violations listed below in paragraphs (a) through (e).** Any Farmer that commits more than one (1) violation of these or any other provision of the Guidelines during their participation in the Program (whether occurring in the same growing season or a subsequent growing season), shall be immediately suspended from the Program and shall not receive payment for any and all unredeemed coupons (including WIC & Senior Coupons). **Any suspension shall be for one (1) year from the date of the violation and shall prohibit the Farmer from participating in the Program for the following growing season.**
  - a. Redeeming coupons for inappropriate items. Examples include (but are not limited to) WIC or Senior coupons for maple syrup, baked goods, cheese, meat or other foods not listed as eligible under these Guidelines, and non-food items;
  - b. Accepting year 2015 coupons after October 31, 2015;
  - c. Failing to post prices;
  - d. Failing to post a sign stating coupons are accepted; and
  - e. Giving change for coupon purchases.
2. **Farmers shall not receive payment for any and all unredeemed coupons (including WIC & Senior Coupons) and shall be immediately suspended for one (1) year from the date of the violation and prohibited from participating in the Program for the following growing season without receiving any warning, written or otherwise, from MDAR for the following violations:**
  - a. Accepting coupons before they are designated certified farmers;
  - b. Accepting coupons at unauthorized markets;
  - c. Accepting coupons for non-local products.
3. **Farmers shall not receive payment for any and all unredeemed coupons (including WIC & Senior Coupons) and shall be permanently barred from the Program without receiving any warning, written or otherwise, for the following violations:**
  - a. Paying customers cash for coupons;
  - b. Exchanging coupons with another farmer for cash;
  - c. Charging extra for products bought with coupons;
  - d. Repeated or blatant infractions of the Guidelines.

Farmers may face prosecution if any violation involves fraud or theft or otherwise breaks state or federal laws. Payments shall also be withheld for all coupons involved in infractions of this nature, and repayment sought if payment has already been made for coupons involved. Farmers shall not seek restitution from Coupon Program recipients for coupons not paid by the state agency.

## **C. GRIEVANCE PROCEDURE**

**Neither MDAR, a farmer, nor the farmers' market has an obligation to renew this Certification.** MDAR, a farmer, or farmers' market may terminate the agreement (effective immediately) for cause after providing written notification.

Any certified farmer or market manager may file a written request for a hearing, after said party was on notice that an adverse action or decision has occurred by mailing said request, along with all unredeemed coupons, within seven (7) business days to:

Massachusetts Department of Agricultural Resources  
Attn: Farmers' Market Nutrition Program Coordinator  
251 Causeway Street Suite 500, Boston, MA 02114

Any unredeemed coupons not sent within seven (7) business days shall not be considered for reimbursement during the scheduled grievance hearing. MDAR shall review the grievance according to the MDAR's Farmers' Market Coupon Program Fair Hearing Guidelines and all applicable state and federal laws. To obtain a copy of these Fair Hearing Guidelines, please contact MDAR.

### **XIII. EVALUATION:**

For purposes of evaluation, farmers and markets shall provide such information as MDAR shall require for its periodic reports to the United States Department of Agriculture – Food and Nutrition Service (USDA-FNS).

### **XIV. NONDISCRIMINATION:**

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.